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September 27, 2019

**VIA ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
United States District Court for the Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

**Re: *Blair v. Alstom Transportation, Inc. and Kawasaki Rail Car, Inc.*,  
No. 1:16-cv-03391-PAE-JLC**

Dear Judge Engelmayer:

We represent defendant Kawasaki Rail Car, Inc. in this action. The action is currently stayed pending resolution of two *inter partes* reviews ("IPRs") of the asserted claims of the patent-in-suit (U.S. Patent No. 6,700,602) by the Patent Trial and Appeal Board ("PTAB"). The two IPRs are captioned as *Kawasaki Rail Car, Inc. v. Scott Blair*, IPR2017-00117 (Final written decision issued on May 2, 2018) ("First IPR"), and *Kawasaki Rail Car, Inc. v. Scott Blair*, IPR2017-01036 (Final written decision issued on September 10, 2018) ("Second IPR"). Pursuant to the June 5, 2017 Order granting the stay (D.I. 61), we submit this letter on behalf of all parties regarding the status of the proceedings before the PTAB and the Court of Appeals for the Federal Circuit.

As indicated in previous status letters, the PTAB found all of the challenged claims in the First IPR and the Second IPR to be unpatentable. Mr. Blair appealed the PTAB's decision in the First IPR, but did not appeal the PTAB's decision in the Second IPR. The Federal Circuit affirmed the PTAB's Final Written Decision in the First IPR on August 8, 2019, and issued the mandate to the United States Patent and Trademark Office on September 16, 2019 (attached as Exhibit A).

Counsel for Mr. Blair has informed counsel for Defendants that Mr. Blair is currently considering his options in connection with a petition for writ of certiorari to the United States Supreme Court, and that the deadline to file the petition is November 6, 2019. The parties will confer further regarding next steps and will provide another status letter to the Court setting forth their respective positions.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sheila Mortazavi', followed by a horizontal line.

Sheila Mortazavi

Cc: Darius Keyhani, Esq.  
Steven Coyle, Esq.